

### **REMARKS**

Claims 1-8 were examined and reported in the Office Action. Claims 1-8 are rejected. Claims 1, 3, 4, and 8 are amended. New claim 9 is added. New Claim 9 is based on the original specification, page 7 line 8 to page 8 line 8, page 9 lines 5 to 14, Fig. 4 and Fig. 5. Therefore, no new matter is added. Claims 1-9 remain.

Applicants request reconsideration of the application in view of the following remarks.

#### **I. In the Drawings**

Figures 1, 2 and 3 are objected to because only that which is old is illustrated. The Figures are also objected to for not including reference numerals 450 and 490. Additionally, the Figures are objected to for including reference numerals not mentioned in the specification. Applicant has amended Figures 1-3 with the addition of the legend --Prior Art--. Applicant has added reference numerals 450 and 490 to Figure 4. Applicant has amended the specification to include the reference numerals previously not mentioned in the specification. Approval is respectfully requested.

#### **II. 35 U.S.C. §102(b)**

It is asserted in the Office Action that claims 1-8 are rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,812,754 issued to Liu et al. ("Liu"). Applicant respectfully traverses the aforementioned rejection for the following reasons.

According to MPEP §2131, "[a] claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.' (Verdegaal Bros. v. Union Oil Co. of California, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987)). 'The identical invention must be shown in as complete detail as is contained in the ... claim.' (Richardson v. Suzuki Motor Co., 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989)). The elements must be arranged as required by the claim, but this is not an ipsissimis verbis test,

i.e., identity of terminology is not required. (In re Bond, 910 F.2d 831, 15 USPQ2d 1566 (Fed. Cir. 1990)).”

Applicant’s amended claim 1 contains the limitations of “[a]n apparatus for a redundant interconnection between multiple hosts and a RAID, comprising: a plurality of RAID controlling units for processing a requirement of numerous host computers; and a plurality of connection units for connecting the plurality of RAID controlling units to the numerous host computers, wherein each of the plurality of RAID controlling units includes a plural number of network interface controlling units for directly exchanging information with the numerous host computers and a network interface controlling unit included in another RAID controlling units, through the plurality of connecting units.”

In other words, Applicant’s claimed invention includes two network interface controlling units, such as the first network interface controlling unit and the second network interface controlling unit, in one RAID controller for fault tolerance. The first network interface controlling unit of one RAID controller is connected to a second network controlling unit of the other RAID controller through a connecting unit. The second network interface controlling unit of the one RAID controller is connected to a first network interface controlling unit of the other RAID controller through the connecting unit. The second network interface controlling unit of one RAID controller receives information from the first network interface controlling unit of the other RAID controller through a connecting unit, such as a switch and a hub in normal state. Furthermore, the second network interface controlling unit of one RAID controller performs the role of the first network interface controlling unit of the other RAID controller when the first network interface controlling unit of the other RAID controller is faulty.

Lui discloses a RAID system having a fiber channel arbitrated loop. Lui, however, does not teach, disclose or suggest two network interface controlling units included in one RAID controller. That is, in Fig. 3 of Lui, there only one controller SERDES 336 is shown (where controller SERDES 336 is similar to the RAID controller network interface controller of Applicant’s claimed invention). Further, Lui discloses a RAID including only one RAID controlling unit having only one serializer/de-

serializer module, which is similar to the RAID controller network interface controller of Applicant's claimed invention. Distinguishable, in Applicant's claimed invention two network interface controllers are included in one RAID controlling unit, which prevents a decrease of bandwidth when the RAID controlling unit is faulty.

Therefore, since Lui does not disclose, teach or suggest all of Applicant's amended claim 1 limitations, Applicant respectfully asserts that a *prima facie* rejection under 35 U.S.C. § 102(b) has not been adequately set forth relative to Lui. Thus, Applicant's amended claim 1 is not anticipated by Lui. Additionally, the claims that directly or indirectly depend on claim 1, namely claims 2-8, are also not anticipated by Lui for the same reason.

Accordingly, withdrawal of the 35 U.S.C. § 102(b) rejections for claims 1-8 are respectfully requested.

**CONCLUSION**

In view of the foregoing, it is believed that all claims now pending, namely 1-9, patentably define the subject invention over the prior art of record and are in condition for allowance and such action is earnestly solicited at the earliest possible date.

If necessary, the Commissioner is hereby authorized in this, concurrent and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2666 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17, particularly extension of time fees.

Respectfully submitted,

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LLP

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By: \_\_\_\_\_

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**CERTIFICATE OF MAILING**

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail with sufficient postage in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P. O. Box 1450, Alexandria, Virginia 22313-1450 on August 19, 2004.

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Jean Svoboda